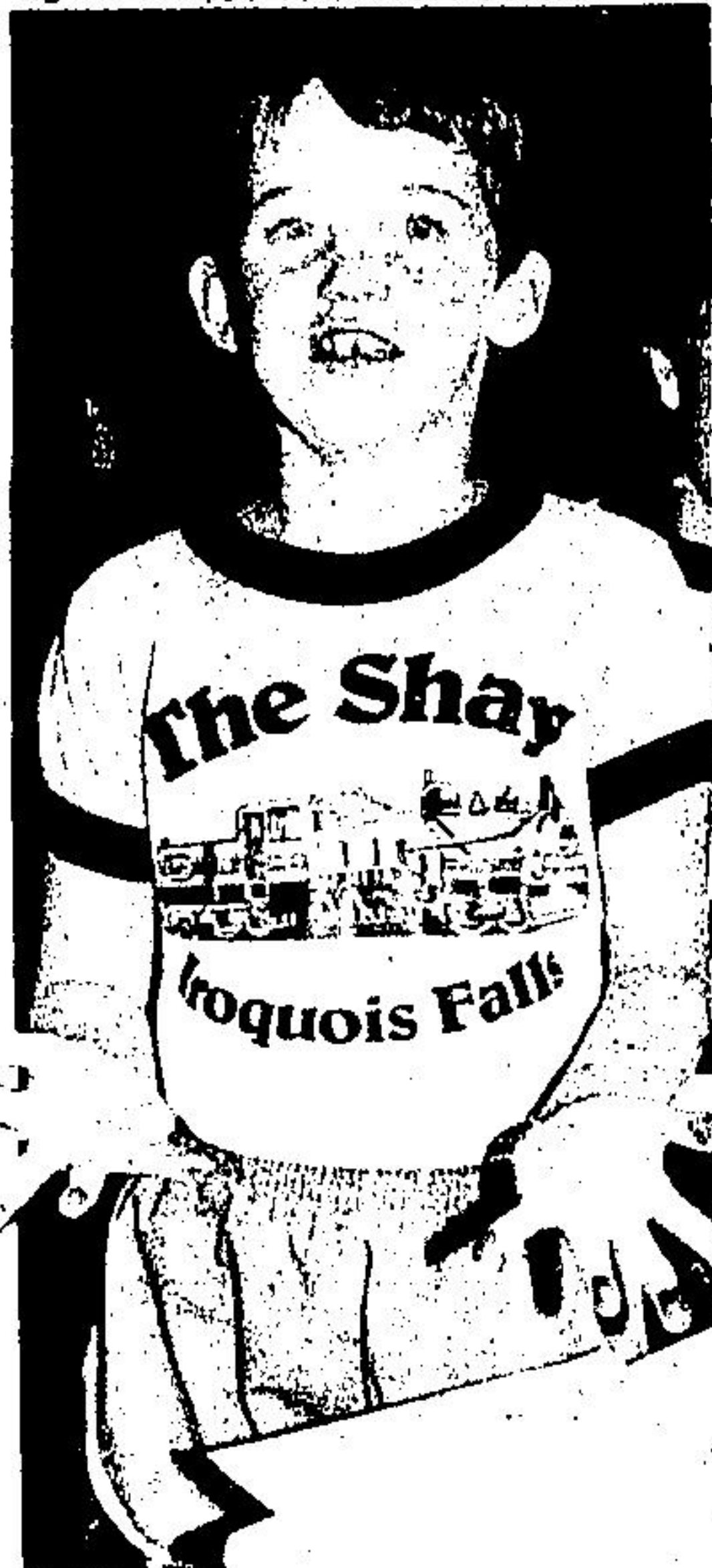


# All about shoplifting



## NABBED!

It was no secret that the Georgetown public library had spy school recently. Seven-year old Spy Bry, also known as Bryan Rolph, knew about it and came out to have both his hands fingerprinted by library staff. Along with about 25 other children, Spy Bry learned secret writing codes and how to send invisible messages by using a wet paper.

(Herald photo)

## Special award

The Halton Region Conservation Authority is keeping its eyes open for a worthy recipient of the first Ralph Sherwood Conservation Award, which was unveiled at the Authority's inaugural meeting last January. Nominations from the public and local government will be solicited so that a Halton resident who has made an outstanding contribution in the field of environmental conservation can be honored at year's end. The award, to be presented annually, is named for a long-time Authority member.

## Photo contest

Area nature photographers get their fifth annual opportunity to win prizes and recognition for their work now that the Halton Region Conservation Authority has announced a theme for its yearly contest. Aim your lenses at Crawford Lake in Milton, which opened this spring as the future site of a reconstructed Indian village. Pick up an entry form at any HRCA conservation area gatehouse and have your prints and slides in by Nov. 31. Crawford Lake's natural beauty and newly-constructed lake-side boardwalk offer dozens of vistas and angles for the shutterbug.

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LEGALLY SPEAKING is a regular column written by legally qualified people under the auspices of COMMUNITY LEGAL EDUCATION ONTARIO. SHOPLIFTING  
 By JOHN L. HILL B.A., M.A., LL.B.

If shoplifting were a disease the number of cases before our Provincial Courts would suggest an epidemic. Otherwise law abiding citizens are being charged daily with the crime. The Criminal Code of Canada does not use the word "shoplifting"; it calls the misdeed "theft".

The most common question of those charged is "what punishment can I expect?" There are a number of factors that must be considered. Some of these are as follows:

### PROCEDURE

Theft is an offence under the Criminal Code. The Crown Attorney is called upon to determine whether to proceed by indictment or summarily. Few accused persons realize the significance of this decision because regardless of the method the Crown elects, the trial or sentencing will proceed before a Provincial Court judge.

If the Crown chooses summary procedure, the maximum penalty would be a fine of \$500, six months' imprisonment or both. However, if the Crown chooses to proceed by indictment, the more serious method of procedure, the maximum penalty could be several years imprisonment. It used to be that for a first offence the Crown Attorney would almost always elect to proceed summarily.

Because of the "epidemic" we are experiencing, public outrage has in some areas caused a complete reversal of this tendency to the point where it is now rare to see the Crown choose summary procedure.

VALUE OF GOODS  
 If the Crown proceeds by

## Legally Speaking

a CLEO publication



indictment and the value of the goods stolen is greater than \$200 or less, the accused is liable to imprisonment for two years.

### THE CHARACTER AND REPUTATION OF THE ACCUSED

The Court will not always impose the maximum penalty. A first offender will likely be dealt with less severely than one with a number of convictions for the same offence or a lengthy criminal record. A person who has no previous criminal convictions and is unlikely to involve himself or herself in future criminal activity might ask the Judge to consider a discharge, a suspended sentence, probation, a community service order, or a fine instead of a jail sentence.

To this point there has been an assumption that the accused person is not a juvenile, i.e., a child under sixteen. If the offender is a child, the charge will be dealt with under the Juvenile Delinquents Act where different considera-

tions apply.

After making a finding of delinquency, the Court may want to explore with the parents the cause of the behavior. The Court may discuss with the parents any action taken by the parents and offer the Court's assistance in an effort to reform the child so that this offence or any other will not occur late. The Juvenile Courts are extremely adept at spotting emotional or familial problems of which the "crime" may be a symptom.

The Court in such circumstances may order a social history of the child to assist it in formulating an adequate disposition.

The range of penalties available to the juvenile court are broad and are custom fitted to each offender. The court may suspend final disposition with a warning that future infractions will allow the file to be re-opened dealt with subsequently, adjourn the hearing for some definite or indefinite time to monitor the child's behavior, impose a fine up to

\$25, or commit the child to the care of the parent, probation officer, group home, children's aid society, or training school.

There are a number of variables in attempting to determine what one might expect by way of penalty. However, the most serious punishment is one that is totally certain and not handed down by a court. It is the anxiety the accused faces in anticipating his or her court appearance and the embarrassment of

standing before the community and being adjudged a thief.

The information in this article is accurate as of December 1, 1981. For more information on this and other topics contact Community Legal Education Ontario, 111 Queen St. E., Suite 310, Toronto, Ont. M5C 1S2. For legal advice contact your local lawyer or the Halton Hills Community Legal Aid Clinic at 5 Wesleyan St., Georgetown, telephone 877-5256.

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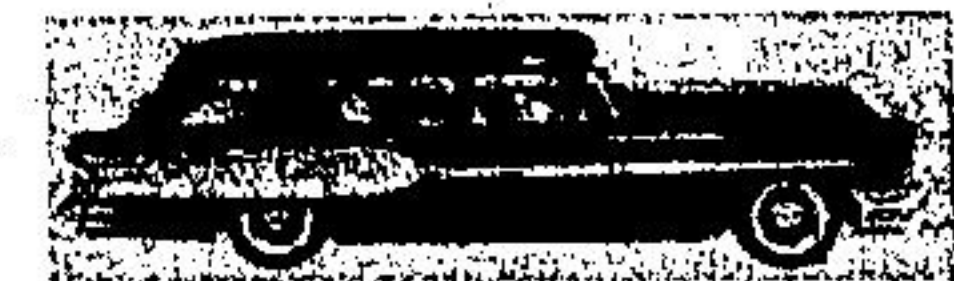
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